

REMARKS

I. Telephonic Interview with Examiner

Applicant's representative thanks the Examiner for granting the courtesy of an interview. During the interview, applicant's representative and the Examiner discussed the basis for the Restriction Requirement and the procedural options for responding to the Restriction Requirement but no agreement was reached.

II. Restriction Requirement

All of the pending claims stand subject to a Restriction Requirement. The Examiner contends that the claims as submitted in the previous amendment are independent and distinct from the subject matter originally elected because the claims recite an additional limitation - a wish list component that allows one or more servers to access a wish list on a user's computer and to place one or more items corresponding to the wish list into a shopping basket component. (*See* Restriction Requirement dated September 12, 2006 at p. 2-3). The Examiner further contends that the addition of this limitation requires a new search. (*See* Restriction Requirement dated September 12, 2006 at p. 3). Applicant's representative respectfully disagrees with the Restriction Requirement for at least the following reasons. The claims as submitted in the previous amendment remain properly classified in the same class and subclass as the originally elected subject matter and have the same utility as the originally elected subject matter – facilitating electronic shopping using a shopping basket.

The Examiner issued an earlier Restriction Requirement grouping the original claims into two groups and applicant's representative elected to prosecute Group I in the present application. (*See* Restriction Requirement dated September 18, 2003 at p. 2). In that Restriction Requirement, the Examiner stated that the claims of Group I were "drawn to an invention directed to electronic shopping using a shopping basket, classified in class 705, subclass 26." (*See* Restriction Requirement dated September 18, 2003 at p. 2). Class 705 is the class for inventions pertaining to Data Processing: Financial, Business Practice, Management, or Cost/Price Determination. Subclass 26 is the subclass for inventions pertaining to Electronic Shopping. All of the claims as submitted in the previous amendment recite a shopping basket component or an electronic shopping basket and are properly classified in Class 705, subclass 26.

Although the claims as submitted in the previous amendment are not identical to the original claims of Group I, the amended claims have the same utility as the originally elected subject matter – facilitating electronic shopping using a shopping basket. Accordingly, applicant's representative respectfully submits that the Restriction Requirement be withdrawn.

Moreover, what the Examiner appears to be objecting to is that the addition of a new limitation by amendment requires additional searching. (*See* Restriction Requirement dated September 12, 2006 at p. 3). Applicant's representative respectfully submits that the applicant paid the fee associated with filing its Request for Continued Examination and that the previous Office Action was non-final. Accordingly, applicant's representative requests that the Restriction Requirement be withdrawn, that the claim amendments be entered and that the claims be examined.

CONCLUSION

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP140US]. Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's representative at the telephone number below.

Respectfully submitted,

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